



## HARRIS COUNTY PROBATE COURT NO. 4

7TH FL. HARRIS COUNTY CIVIL COURTHOUSE

201 CAROLINE

HOUSTON, TEXAS 77002

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CHRISTINE BUTTS  
PROBATE JUDGE

### **INDEPENDENT EXECUTOR OR INDEPENDENT ADMINISTRATOR WITH WILL ANNEXED**

The Court will expect, and the law requires, you and your attorney to do the following things. **Please consult with your attorney on any matter regarding this estate that you do not understand.**

1. Within twenty (20) days from the date of the Order appointing you, file an Oath of Office. If a Bond was required in the Order, it too must be filed within 20 days.
2. Within one (1) month after qualifying for Letters Testamentary (your qualification date is reflected in your Letters), publish in a local newspaper your notice to creditors of the estate, and within two (2) months after receiving Letters, send notice by registered or certified mail (RRR) to all known secured creditors, whether secured by personal or real property. You may also give notice to unsecured creditors pursuant to Probate Code §294. **Your attorney should prepare these notices.** Proof of Publication and of all notices to Real Estate Lien Creditors should be filed with the County Clerk for this Court.
3. Within ninety (90) days after you qualified, file your Inventory, Appraisal, and List of Claims with the County Clerk of this Court.
4. Within ninety (90) days after the will is admitted to probate, you are required to file an Affidavit or Certificate of Notification to Beneficiaries with the County Clerk of this Court pursuant to section 128A of The Texas Probate Code. This only applies if the Decedent died on or after September 1, 2007.
5. If this is a taxable estate, within nine (9) months from the date of death, file and pay the State and Federal Estate and Inheritance Tax Returns.

Upon your qualification, it is your duty to take possession of all property belonging to the decedent. Any cash that you receive should be maintained in a bank account separate from your personal funds. You should never commingle property belonging to the estate with your personal assets. You must use ordinary diligence in the collections of all claims and debts owed to the estate. If necessary, you may employ an attorney to recover property belonging to the decedent. You are bound by the terms and provisions of the Will. If a necessity arises to sell real property or partition an asset of the estate and the Will does not give you the authority to do so, you must obtain Court approval.

After you have gathered the assets of the estate, and paid the debts and taxes that are owing, you are ready to distribute the estate. You may then deliver the assets of the estate to the beneficiaries who are entitled to receive the property under the Will. If a bond was required when you qualified, you should file a Section 151 Affidavit to terminate the administration and the bond. This concludes your responsibility as the Independent Executor or Independent Administrator With Will Annexed of this estate.

*Christine Butts*

Judge Christine Butts  
(01/11)